

REMARKS

This Amendment and Response is responsive to a non-final Office Action mailed on July 12, 2004. Claims 45-57 were pending in the application. Claims 31-46 had been withdrawn in response to a previous restriction requirement.

Claims 45-57 were rejected in the Office Action. Claims 45-47 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. 2001/0003101 to Shinohara, *et al.* (hereinafter "Shinohara"). Claims 45, 51, and 55-57 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. 6,154,201 to Levin, *et al.* (hereinafter "Levin"). Claims 48-54 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Levin, apparently in view of U.S. 5,195,920 to Collier (hereinafter "Collier"), although the Office Action is somewhat unclear.

Applicant has amended claims 45 and 48-50. Applicant has cancelled claims 31-36. The amendments are discussed in further detail below. Support for the amendments may be found in the specification and the original claims. No new matter has been added.

Applicant submits that claims 45-57 are allowable. Reconsideration of the claims is respectfully requested in view of the foregoing amendment and the following remarks.

I. Claims 45-47

Claims 45-47 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Shinohara. However, Shinohara is not a proper reference to apply under 35 U.S.C. § 102(e). A person shall be entitled to a patent unless the invention was described in a published patent application filed in the United States before the invention by the applicant for patent. 35 U.S.C. § 102(e)(1). However, an international application shall have the effect of an application filed in the United States only if it was published under Article 21(2) of the Patent Cooperation Treaty (PCT) in the English language. *Id.* The Shinohara PCT application was published in Japanese. Accordingly, Shinohara is not entitled to the filing date of the corresponding PCT application as its 35 U.S.C. § 102(e) date. Shinohara was published on June 7, 2001. The present application was filed on March 30, 2001. Accordingly, Shinohara is not prior art to the present application under 35 U.S.C. § 102(e) and does not anticipate claim 45. Applicant respectfully requests that the Examiner withdraw the rejection of claim 45. Claims 46 and 47 depend from claim 45 and are allowable for at least the same reasons. Applicant respectfully requests that the Examiner withdraw the rejection of claims 46 and 47.

Applicant is submitting with this response a supplemental information disclosure statement (IDS). Applicant notes that the IDS includes EP 0 940 162 A1, which was published September 8, 1999. EP 0 940 162 A1 claims priority to PCT/JP98/03478, as does the Shinohara reference cited in the Office Action.

II. Claims 45, 51, and 55-57

Claims 45, 51, and 55-57 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Levin. In claim 45, as amended, Applicant claims “a receiver disposed in said housing and operable to receive a sensor signal from a sensor configured to sense a state of said remotely-controlled device.” The sensor 76 in Levin which is cited in the Office Action on page 3 is not configured to “sense a state of said remotely-controlled device” as claimed. The sensor 76 “detects a rotation of the shaft 68 and the knob 18.” *Levin*, column 10, lines 2-4. In other words, the sensor described in Levin is configured to sense the state of the manipulandum not to “sense a state of the remote-controlled device,” as claimed.

Thus, claim 45, as amended, is not anticipated by Levin. Applicant respectfully requests that the Examiner withdraw the rejection of claim 45. Claims 51 and 55-57 depend from claim 45 and are allowable for at least the same reasons. Applicant respectfully requests that the Examiner withdraw the rejection of claims 51 and 55-57.

III. Claims 48-54

Claims 48-54 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Levin in view of Collier. “Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” 35 U.S.C. § 103(c).

Levin is cited in the Office Action as a 35 U.S.C. § 102 (e) reference. The assignee of the Levin patent is Immersion Corporation. The present patent application has also been assigned to Immersion Corporation. The assignment was recorded on July 23, 2001. Accordingly, the Levin patent is not a proper reference under 35 U.S.C. § 103(a). Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 48-54.

IV. Claims 31-36

Claims 31-36 were previously withdrawn in response to a restriction requirement. Applicant has cancelled claims 31-36 in the amendments above. Applicant reserves the right to pursue the subject matter claimed in claims 31-36 in a divisional application.

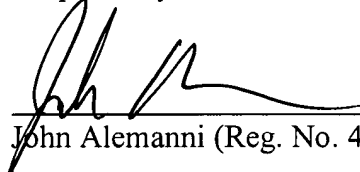
V. Conclusion

Applicant submits that pending claims 45-57 are in condition for allowance and respectfully solicits a Notice of Allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is invited to contact the undersigned at (336)-607-7311 to discuss any matter related to the application.

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Respectfully submitted,



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